Incident Summary

The summary of this incident is based upon reports, teletypes, and interviews contained in this packet. It also contains information verbally relayed to the Internal Affairs Bureau investigators by Homicide Bureau investigators and information contained in the homicide investigation.

On March 4, 1994, at approximately 1522 hours, Deputies Darrel Airhart #[redacted] and Patrick Davoren #[redacted] of the Special Enforcement Bureau were involved in a Deputy Involved Shooting. The shooting occurred during the containment of a barricaded suspect. Neither of the Deputies sustained any injuries. Lieutenant Ron Tardiff and Sergeants Mark Walker and Barry McCrummen, of the Internal Affairs Bureau, were notified and responded. Homicide Investigators, Biehn and Kerfoot, also responded and handled the investigation.

Witness [redacted], MH/16 stated that earlier in the day he went outside of his house and observed the suspect drinking a beer. Witness [redacted] said that the suspect appeared to be drunk and the suspect called him over. He said he ignored the suspect and went back inside his house. He said he went back outside a short time later and observed the suspect waving a gun around. Witness [redacted] said the suspect again called him over and said he wanted to talk. Witness [redacted] told the suspect to put the gun down and he would talk. The suspect put the gun on grass near the curb, in front of his house and met Witness [redacted] in the middle of the street. The suspect and Witness [redacted] talked for a short time, then they shook hand and started walking away from each other.

While the suspect was walking back to his yard, a male and female Hispanic exited the residence just to the north of the suspect's house and said something to the suspect. The comment apparently infuriated the suspect, as he retrieved the gun on the grass and began shooting at the two individuals as well as Witness [redacted]. Witness [redacted] went inside his house and dialed "911." The suspect dropped the gun in the yard and entered his house. A few moments later he came back outside and retrieved the gun, then went back inside prior to the arrival of the responding Sheriff's units.

Handling Lakewood unit, 134 Days, Deputy Brian Schlosser #[redacted], along with several other assisting units arrived at the location and contacted Witness [redacted] who related the above story. The units set up a containment of the suspect's residence and over the next 25 minutes, made numerous attempts to contact the suspect. Deputy Schlosser made several announcements over the P.A. system asking him to exit his house. Telephone calls to the suspect's home were also made and ignored by the suspect. During this time period, Deputy Schlosser had made contact with the suspect's [redacted] who informed them that the suspect had several guns inside the residence. At 1412 hours, Special Enforcement Bureau was requested to respond regarding a barricaded suspect.

Sergeant Jack Ewell #[redacted], Special Enforcement Bureau, was the team leader assigned to the Special Enforcement Bureau's grey team who responded to the location. Sergeant Ewell said upon his arrival he contacted the suspect's [redacted] The [redacted] explained that the suspect was heavily armed with several handguns as well as a high powered rifle. She also explained that the suspect had been physically abusive to her earlier in the day and threatened to kill her if she reported it to the police. She also added that the suspect had a prior arrest for a shooting incident. Sergeant Ewell briefed the team and eventually deployed with several others members to the second house north of the suspect's residence.

Deputy Joe Gonzales #[redacted], Special Enforcement Bureau, was assigned as the team scout and was deployed to the second house north of the suspect's residence. Deputy Gonzales said when he

reached the northwest corner of the house, he heard the sound of breaking glass and could see household items being thrown from inside the suspect's residence. Deputy Gonzales assigned Deputy Davoren as a long rifleman and instructed him to set up in a house directly across the street from the suspect. He also deployed Deputies Reyes and Marquez inside the house just north of the suspect. Deputy Gonzales said once Deputy Davoren was set up in the house across the street, Deputy Davoren was able to up give additional information as to the suspect's movements. Deputy Gonzales said at one point, he could see the barrel of a rifle extending out of the suspect's window and the suspect was moving it back and forth from side to side. The suspect pulled the rifle back then displayed two different handguns out of the window. Due to the escalation of the suspect's movements, Deputy Gonzales requested additional members of the entry/arrest team to his location as well as assigning Deputy Airhart as an additional long rifleman. He said he was joined by Deputies Mike Claus and Steven Mclean and Sergeant Ewell. Deputy Gonzales said as the members of the entry/arrest team were arriving, Deputy Davoren advised that the suspect was exiting the house. Deputy Gonzales said he observed the suspect standing outside his doorway waving the gun back and forth while in a "weaver stance." The suspect took a step away from the house and then started to advance on the entry/arrest team. Deputy Gonzales said he heard a shot come from the area of the long rifles and was advised over the radio that the suspect was down. The entry/arrest team approached and secured the suspect. They then entered and cleared the house.

Deputy Gary Parker #[redacted], Special Enforcement Bureau, was assigned as a scout with Deputy Gonzales and described the events the same as Deputy Gonzales. Deputy Parker further explained that once the rest of the entry/arrest team had arrived at the second house north of the suspect, he remained there to provide cover while Deputy Gonzales took the arrest/entry team to another position at the house just north of the suspect. He said it was while the entry/arrest team was moving to the new position that the suspect exited his house and took a shooting stance. He said the entry/arrest team had just went out of his view, but realized the suspect was a direct threat to him and the team. He said he then heard two rifle shots come from the long rifles.

Deputy Steven McLean #[redacted] Special Enforcement Bureau, said when he arrived with the entry/arrest team, the situation was rapidly deteriorating and there was no time to evacuate the neighborhood properly. He said the suspect appeared to be forcing a confrontation. He said he saw the suspect exit once holding a handgun in his hand. The suspect went back inside his house and shortly after that, exited again still holding a handgun. He said the suspect took a shooting stance, turned to the right and faced the entry/arrest team. The suspect was pointing the weapon directly at the entry time he was shot by the long rifles.

Deputy Michael Claus #[redacted], Special Enforcement Bureau, was assigned as a member of the entry/arrest team and deployed to a location north of the suspect's location. Deputy Claus said he returned to the command post and picked up a ballistic shield and came back to the entry team. He said as he was approaching the entry/arrest team he saw the suspect peering out of the front door with a handgun in his hand. He ducked down behind a vehicle parked in the street when the suspect exited the house. He said when the suspect exited the house, he was holding a handgun with both hands. He said the suspect assumed a shooting stance and turned toward the entry/arrest team with his arms stretched outward toward the team. He then heard two quick gunshots. The suspect went down and he approached the suspect and assisted in clearing the location.

Deputy Patrick Davoren #[redacted], Special Enforcement Bureau, was assigned as a long rifleman. Deputy Davoren stated he deployed to [redacted] from the suspect. He said he

contacted the [redacted] for a position of advantage during the situation.

Deputy Davoren said he was armed with a Remington rifle, .308 caliber with a scope. He said he took a position in the living room, moving to a table near the window just north of the location's front door which accesses Horst Avenue. He darkened the room for his cover and obtained a visual on the suspect's residence. Deputy Davoren stated while he was in the process of setting up, he observed the suspect come out of the residence the first time. The suspect was not wearing a shirt and had two weapons in his waistband. One of the weapons appeared to be a revolver and the other a semi automatic handgun. Deputy Davoren said the suspect abruptly turned to his right and looked in the area where containment personnel, Deputies Reyes and Marquez were positioned. It appeared that the suspect was going to reach for his waistband, but quickly went back inside his residence. Deputy Davoren advised the other units of his observations and then got "on scope" which means he was in position and was viewing the suspect's residence through his rifle scope.

Deputy Davoren observed the suspect exit the house again still armed with two handguns but immediately went back inside. Several times he observed the suspect come to the front windows of the residence and stick the handguns out of the window and point them in different directions. Additionally, the suspect had a scoped rifle which he also pointed out the window in different directions, including directly at him as well as other deputy personnel. Deputy Davoren said he saw the suspect attempt to break a front window, and although he didn't hear glass beak, he observed the front of the house shake. During these observations, Deputy Davoren was advising SEB personnel of the suspect's activities. Deputy Davoren said it appeared that the suspect was really becoming agitated and the level of threat was increasing.

At that time Deputy Airhart arrived to assist Deputy Davoren. Deputy Davoren said he instructed Deputy Airhart to set up as quick as he could. Shortly after that, Deputy Davoren observed the suspect exit his house with a Glock pistol in hand. The suspect assumed a weaver style stance and because of the type of stance the suspect was in, Deputy Davoren felt he may have had some experience in combat shooting. The suspect stepped away from his residence, turned to his right and pointed his weapon directly at the entry/arrest team who were approaching from the north. The suspect appeared to pick up his sights and believing the suspect was about to engage the approaching deputies with gunfire, Deputy Davoren fired his weapon. Simultaneously, Deputy Airhart fired his weapon. The suspect went down and the ESD paramedics immediately responded to give aid.

Deputy Airhart, #[redacted], Special Enforcement Bureau, was assigned as the second long rifleman. He said he was deployed to the house across the street from the suspect with Deputy Davoren. Deputy Airhart said he took a position in the living room just south of the front door looking through the living room window. He said as he was setting up he was advised that the suspect was in possession of several handguns as well as a scoped rifle, and had been pointing these weapons out of a window of his residence. Deputy Airhart said he took off his protective vest and set his weapon on the window when he saw the suspect standing outside his residence holding a handgun. He said he saw the suspect with a two-handed grip on the weapon and turn to face the entry/arrest team approaching from the north. Deputy Airhart said it appeared that the suspect was getting set up or ready to assault the entry/arrest team. Deputy Airhart fired one round from his rifle and the suspect slumped to the ground. He said he continued to monitor the suspect through his scope while the entry team approached to secure the suspect and clear the house.

Mrs. [redacted], [redacted] of the suspect, explained that she had been [redacted] to the suspect for 9 years. She explained that the suspect was a medical doctor and recently had been extremely stressed by his work. She said the owner of the house just north of theirs had recently rented the house to some gang members and these gang member had been a constant source of problems and stress. Mrs. [redacted] said the suspect and one of the gang members had exchanged words just the night before and there had been a threat of gunplay. Mrs. [redacted] was fearful for herself and her [redacted] and said she and her [redacted] left the residence without the suspect's knowledge. She didn't return until approximately 0600 hours the next morning. She said when she arrived home she found the house in total disarray. Furniture was overturned, broken and thrown about.

Mrs. [redacted] said she talked with the suspect for awhile then went to the store and purchased some beer and food for him. She said the suspect ate the food then began to consume the beer. She said she then left the location, and when she returned, the street was barricaded by deputies.

Homicide investigators obtained the answering machine tapes from the suspect's residence. The tapes contained a female voice identifying herself as a representative of the Sheriff's Department. The female requested the suspect to surrender and come out of the location. Also contained on the tape is a male voice requesting the suspect to pick up the phone and talk to him. During their investigation, homicide investigators also found that the telephone in the master bedroom was off the hook. The Crisis Negotiation Team responded and arrived at the Command Post at 1510 hours. Efforts by the Crisis Negotiation Team to make contact with the suspect proved fruitless.

The suspect sustained two separate gunshot wounds. One of the gunshots entered the suspect's upper torso through the upper left arm near the shoulder area exiting the underside of the arm and entering the upper body on the left side, traversing the body from left to right and going along the outside of the rib cage, exiting the upper chest area on the right and entering the right arm. The trajectory of the round indicated that the suspect was facing north with both arms extended in front of him when he was shot.

The second gunshot wound entered the suspect's torso in the left side near the abdomen and exited the right side near the abdomen. The wound appeared to be a through and through wound. Both gunshots indicated that the suspect was facing to the north when he was shot.

Gunshot residue test of the suspect proved positive, indicating that the suspect had recently fired or handled a firearm.

The three handguns which were in the suspect's possession when he was shot were;

1) Colt Python .357 Magnum, loaded with three live rounds,
2) Smith & Wesson model 66 .357 Magnum, loaded with two live rounds,
3) Glock 10mm pistol, loaded with 14 live rounds and the chamber empty.

Mr. [redacted] MH/36, [redacted], stated that he when he returned home, the street was blocked by Sheriff's deputies and he had to enter his home from the rear yard by climbing a fence at the rear of his property. Mr. [redacted] said once inside his home, he questioned his [redacted] [redacted], as to what was going on. [redacted] explained that the suspect had started shooting at people including him, and now the suspect would not come out of his house. Mr. [redacted] said from his kitchen window he could see in a southeast direction to the suspect's house. Mr. [redacted] could see the suspect standing in the doorway holding a handgun. Mr. [redacted] said he

heard the Sheriff's deputies ask the suspect to exit the house with his hands raised. He said he heard this request given several times by a female in both English and Spanish. Mr. [redacted] said at the end he saw the suspect exit his house and point a handgun at the deputies approaching. When the suspect pointed the gun at the deputies, he heard a gunshot and the suspect fell to the ground.

According to the Homicide report these people [redacted], [redacted], [redacted] and [redacted] confirmed the accounts of the initial confrontation between the suspect and the gang members heard the numerous requests by deputies for the suspect to exit his house with his hands raised. No other civilian witnesses saw the ending confrontation between the suspect and SEB personnel.